IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17/03/2004

CORAM

THE HON'BLE MR. JUSTICE P.D.DINAKARAN

W.P.No.10126 of 2000

Tamil Nadu Housing Board,
House Allottees Welfare Association
rep. by its President,
M.V.Boopathi,
Son of T.M.N.Venugopal Naidu,
43/64, N.G.O.Nagar,
Tiruvellore 602 001. .....Petitioner

- Vs -

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Madras 35.

2. The Collector,
Chengalpattu District at
Kancheepuram,
Tiruvallur District,
Tiruvallur 602 001.

3. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Korattur Division,
Ashok Nagar,
Chennai 83.

4. The Allotees Service Manager,
Tamil Nadu Housing Board,
Korattur Division,
Housing Board Complex,
Ashok Nagar,
chennai 83. .....Respondents

Writ Petition, under Article 226 of the Constitution of India,
praying for issuance of Certiorari, as stated therein.

For Petitioner :: Mr. V. Lakshmi Narayanan

For Respondents:: Mr. D. Veerasekaran for R-1
Mr. M.S.Palanisamy for R-2
Addl. Government Pleader

No appearance for R-3 and 4

:O R D E R

The petitioner has filed this writ petition for issuance of a Writ of Certiorari to call for the records of the first respondent dated 24.08.1999 and to quash the same.

2. The petitioner is an Association, representing 38 members, who were allotted housing plots by the first respondent / Housing Board at NGO Nagar, Thiruvallur. The first respondent / Housing Board, by proceedings

dated 24.08.1999 raised a demand for a sum of Rs.8,780/- (Rupees Eight Thousand Seven Hundred and Eighty Only) towards the final land costs from one G.Janarthanan, which is sought to be impugned in this writ petition.

3. Learned counsel for the petitioner contends that the petitioner association only seeks a direction from this Court to fix the final land cost, based on the decisions of the Apex Court and therefore, the impugned proceedings of the first respondent / Housing Board may be quashed.
4. Concededly, some of the members of the petitioner association had already accepted the impugned demand and paid the same and got the title deeds released. Even though the impugned acquisition was initiated at the instance of the petitioner institution, it is not in dispute that the allotment of plots were made only in the individual names of the members of the petitioner association.

5. A Division Bench of this Court by order dated 18.2.1999 in W.P. Nos.3140 and 8115 of 1991 held that a writ petition filed by an association is not maintainable in law. The said decision of the Division Bench was also followed by this Court in the order dated 28.4.1999 made in W.P.Nos.7834 of 1998 and batch cases.

6. In view of the above said decisions, I am of the considered opinion that the petitioner is not entitled to maintain the writ petition. Hence, the writ petition is dismissed. No costs.

Dpn/-

□